

ASBESTOS AND THE FIGHT FOR JUSTICE ¹

Asbestos attacks the lungs, colon, larynx; stomach, chest and heart. If the disease reaches the advanced stage of Mesothelioma a victim confronts the fact there is no known cure. Last year alone, of the people who came to Clydeside Action on Asbestos (C.A.A.) seeking support, three hundred have since died. They had sought cash allowances under the Diseases Benefit Scheme run by the DHSS, and financial compensation for themselves and their families from the big business interests responsible for the tragedy. If successful they would have received a relative pittance. In far too many cases they received nothing at all. Under Scottish Law as it applies presently, if they had been about to gain something from the "pain and suffering" clause but died before settlement then the claim would have died with them, their families left high and dry. For the tiny minority who managed to claw some recompense out of the powers-that-be the DHSS is now lurking in the shadows, ready to pounce like a vampire, under new Government legislation which entitles them to a percentage rake-off from the victims, a supposed pay-back for the sick money received by claimants prior to settlement.

A large proportion of victims are former shipyard workers, especially joiners, electricians and pipe-laggers. But anyone in contact with asbestos is at great risk, in particular off-shore oil workers. Some workers are aware of this but prefer to stay 'ignorant' for whatever motive best known to themselves. Those who speak out sometimes get victimised or called names; 'disruptive elements', 'troublemakers', 'communists'. But most workers don't even know of the risk, because the firms they work for don't tell them. A fair amount of information is available but the bosses take pains not to let the workforce into the secret. And too often union officials play straight into management hands. They think if they get the men an extra couple of quid bonus for doing high-risk work then their hands are clean. An old story.

But the situation facing victims is truly soul-destroying. No longer deemed fit for

¹ Published anonymously in BLOW OUT magazine for OILC workers, back in 1991

work they are tossed onto the scrapheap and, with their families, are forced to face immediate poverty. Most of their time is spent battling the system which does everything in its power to make them give up the struggle. The DHSS, the insurance companies; the medical and the legal professions, you would be excused for thinking they were all in it together, involved in some sort of conspiracy to STOP justice being done.

And the root cause, of course, is greed. Not the greed of the victims but the greed of the profiteers connected to the asbestos industry. Their power and influence cannot be underestimated. The highest authority in Scotland is Ian Lang, Secretary of State. Yet he personally stands to lose through his involvement as a Lloyds 'name' if compensation settlements increase.

C.A.A. are lay-experts in the field have affiliated members in Aberdeen and elsewhere throughout Great Britain. Men like John Todd and others have been fighting the struggle for close on 30 years. Yet the amount of hassle they get is an eye-opener. Intimidation arrives from many sources. The group offers the only counselling and support service for victims and their families while at the same time trying to draw public attention to the gravity of the problem. They receive no state funding. They exist mainly on donations. At the beginning of this year the Sheriff Officers arrived in their tiny office down Glasgow's Briggait, to point the goods and chattels for rates' arrears (the officials were so embarrassed by what they found that they stole away, leaving a donation in the 'tea-jar').

Throughout the length and breadth of the United Kingdom there isn't one solitary hospice, no trained medical staff, no specialist hospitals. When doctors are faced with patients who have clear symptoms of asbestos-related disease they don't ask "where and at what do you work?". Instead they want to know if the person smokes, drinks or keeps budgies. Victims are then forced to 'prove' the disease they have is an effect of asbestos. In this respect they are treated worse than criminals. They get told "you're guilty, now prove you're innocent." A happy stroke of 'legal luck' for the big insurance companies and all the rest who stand most to gain by thwarting justice. And isn't it a funny 'coincidence' that 99% of successful claims are settled out of court? But to go into the legal complexities would take a book. That's why we need lawyers, or so they tell us.

At present the DHSS demands medical reports from around seven doctors for

each individual person who makes a claim for disability allowance; your own G.P., three from the pneumoconiosis panel-board plus three or more at the hospital respiratory department, which involves a team of physiotherapists and is so rigorous those who have had to endure it occasionally collapse. Often the claimant must undergo a biopsy to provide proof to the authorities. Or undergo two biopsies. Sometimes even three biopsies. A biopsy is a major operation, so let's be clear about that; the patient goes under the knife. The surgeon searches inside the lungs and other parts of your body for traces of asbestos dust. A great many patients eventually die as a result of these biopsies, as an effect of metastasis. We think the death rate is close to a staggering 7 out of 10. Thus in the act of providing physical evidence of their condition the victims of asbestos exposure undergo acute physical suffering, often fatally. The record is so gruesome that experienced workers at C.A.A. advise claimants to steer clear of the operating table. Victims who refuse the biopsy also get called 'names' - the authorities describe them as 'hostile patients'.

But for the purpose of the Diseases Benefit Scheme the person who finally decides if a victim suffers from an asbestos-related disease is not a doctor, nor is it two doctors, nor is it even seven doctors. The final judge is the Adjudicating Officer at the DHSS who holds absolute and discretionary power. S/he takes the findings of the medical profession and then decides if the victim should receive the appropriate allowance. It doesn't matter if your own G.P. tells you you've got asbestosis. The Adjudicating Officer decides whether you've got it 'officially'.

Who is the Adjudicating Officer? Good question. Their identity is a closely guarded secret. Different workers might get the job on a day-to-day basis. Some may be little more than school-leavers. A boy or girl of 18 or 19 might be an Adjudicating Officer. Who knows. Check for yourself.

The C.A.A. recommends every worker in asbestos-related employment (and that includes off-shore) receives a C.T. scan, which costs around £300 and isn't available on the N.H.S. This 'coincidentally' provides conclusive evidence of asbestos-traces in the body and is the only proof that truly satisfies the authorities who seem hell-bent on denying that workers suffer from asbestosis. Miners fought for their own medical procedure which includes access to the C.T. Scan: why should the same treatment not be allowed those employed in asbestos-related industry? In terms of social justice there is no distinction between silicosis and asbestosis.

Compulsory Post-Mortems are also demanded for deceased victims. In the search for 'evidence' widows are forced to trace two former workmates from each place their dead husbands worked, in many cases having to go back over forty years. They must begin this detection immediately, sometimes the day after the funeral, otherwise they risk losing the claim on technicalities. In a humane society a family is allowed to grieve. Not in Scotland where widows aren't allowed such a 'luxury' (why haven't the SNP shown interest in this?). By providing this one service an unimaginable burden is lifted from the families of deceased victims.

Nothing can compensate for the domestic tragedy but recognition of the severe financial hardship placed on these families is long overdue. The least that should occur is the genuine attempt to maintain living standards. But the assessment body as currently constituted is middle or upper middle-class professionals with no experience of the socio-economic reality for the bulk of the population. Most of them have never seen a pair of dungarees in real life. Claims by victims should be assessed by a body of men and women who have an intimate awareness of the industry itself.

Time is short but so is space, and the C.A.A. group has many other points and recommendations. But what's going on in asbestos-related industry is nothing short of a national scandal; and the part being played by the authorities is a national disgrace.

At present a joint campaign with the STUC has been launched to lobby the Scottish Law Commission into giving victims of asbestosis parity with England (where bereaved families receive the 'pain and suffering' claim even when their loved ones have died prior to settlement). It's good to see this support from the unions at last. For far too long their "hands have been tied" (yet another 'lucky stroke' for the big profiteers...)

Asbestos victims need immediate support and solidarity. It would be so easy for every union member in the country to donate a few pence weekly. The actual group itself, Clydeside Action on Asbestos, has now gained charitable status. Each member is a volunteer, each one a victim. Without YOUR support they cannot survive. The wealthy elite responsible for such untold suffering have millions of pounds to 'bend' the system. To reverse the process the victims must be given the means to fight back. For further information, and for anyone requiring advice and support on asbestos-related diseases, compensation claims or cash allowances, please make immediate contact .